



**FIRST - TIER TRIBUNAL
PROPERTY CHAMBER
(RESIDENTIAL PROPERTY)**

Case Reference : **MAN/00BN/LDC/2014/0018**

Property : **The Wentwood, Newton Street,
Manchester M1 1EU**

Applicant : **Wentwood (RTM) Management Company Ltd**
Represented by : **Urbanbubble**

Respondents : **Leaseholders of Apartments at the Property**

Type of Application : **Landlord & Tenant Act 1985 – Section 20ZA**

Tribunal Members : **Laurence Bennett (Tribunal Judge)**
Jonathan Holbrook (Tribunal Judge)

Date of Decision : **7 January 2015**

DECISION

of tenants are limited..... Unless the consultation requirements have either:-

- a. complied with in relation to the works or
- b. dispensed with in relation to the works by a tribunal.

This Section applies to qualifying works, if relevant costs incurred on carrying out the works exceed an appropriate amount”.

14. “The appropriate amount” is defined by regulation 6 of The Service Charges (Consultation Requirements) (England) Regulations 2003 (the Regulations) as “..... an amount which results in the relevant contribution of any tenant being more than £250.00.”
15. Section 20ZA(1) of the Act states:-
"Where an application is made to a tribunal for a determination to dispense with all or any of the consultation requirements in relation to any qualifying works the tribunal may make the determination if satisfied that it is reasonable to dispense with the requirements."

Tribunal's Conclusions with Reasons

16. We considered the written evidence accompanying the application.

Our conclusions are:-

17. It is not necessary for us to consider at this stage the extent of the service charges that would result from the works payable under the terms of the Respondent's leases. If and when such is demanded and if disputed, it may properly be the subject of a future application to the Tribunal.
18. We accept from the nature of the work that it is necessary for it to commence without delay because of the obvious risk which has potential to impact on the health, safety, utility and comfort of occupiers, visitors to the apartments at the Property and members of the public passing by. There is a risk of a spread of the dry rot to other areas.
19. We conclude it reasonable, particularly because of the urgency in accordance with Section 20ZA(1) of the Act to dispense with the consultation requirements, specified in Section 20 and contained in Service Charges (Consultation Requirements)(England) Regulations 2003 (SI 2003/1987).
20. Nothing in this determination or order shall preclude consideration of whether the Applicant may recover by way of service charge from the Respondents any or all of the cost of the work undertaken or the costs of this application should a reference be received under Section 27A of the Landlord and Tenant Act 1985.

Order

21. The Applicant is dispensed from complying with the consultation requirements in respect of the work specified in the application.

List of Respondents/Leaseholders

	Interest/ No
Mr Rigby	54
Mr & Mrs Patel	55
KMC Agencies Ltd	56
Mr Chipping	57
Mr Fleetwood	58
Mr & Mrs Sproston	59, 94 & 100
Mr Elkins	60
Illius Properties Ltd	61
Mr & Mrs Darbar	62
Mr & Mrs Berwick	63
Mr J C Clark	64
Mr & Mrs Tosar	65
Mr Ilett	66
Miss K Farnworth	67
Mr Sudbury	68
Ms M E Mehta	69
Mr Dean & Ms Angeloudis	70
Mr Swindells	71
Mr Lakhani	72
Mr Jogia	73
Mr & Mrs Patel	74
Mr & Mrs Patel	75
Miss Carlsson	76
Ms A S Harley	77
Mr Gleave	78
Mr Nuhse	79
Mr Wing Fai Kong	80
Mr Field	81
Mr Connor	82
Mr & Mrs Malhorta	83
Mr & Mrs Law	84
Mr Bailey	85
Mr & Mrs Patel	86
Ms S Newman	87
Ms A Burrell & Ms C Pacquette	88
Mr C Messenger	89
Mr & Mrs Tanna	90
Mr Patel	91, 101, 104 & 105
Ms Caraher	92
Miss H L Quick	93
Mr M T Patel	95
Miss Mitchell	96
Mr Patel & Ms Desai	97
Ms L Carter	98
Mr Sin	99
Mr S Singh	102
Mr G Dunn	103
Mr & Mrs Veal	106
Ms Patel	107
Ms F Walimohamed	108

First-tier Tribunal, Property Chamber Residential Property

GUIDANCE ON APPEAL

- 1) An appeal to the Upper Tribunal against a decision of a First-tier Tribunal (Property Chamber) can be pursued only if **permission to appeal** has been given. Permission must initially be sought from the First-tier Tribunal. If you are refused permission to appeal by the First-tier Tribunal then you may go on to ask for permission from the Upper Tribunal (Lands Chamber).
- 2) An application to the First-Tier Tribunal for permission to appeal must be made **so that it is received by the Tribunal within 28 days after the date on which the Tribunal sends its reasons for the decision.**
- 3) If made after the 28 days, the application for permission may include a request for an extension of time with the reason why it was not made within time. Unless the application is made in time or within granted extended time, the tribunal must reject the application and refuse permission.
- 4) You must apply for the permission **in writing**, and you must:
 - identify the case by giving the address of the property concerned and the Tribunal's reference number;
 - give the name and address of the applicant and any representative;
 - give the name and address of every respondent and any representative
 - identify the decision or the part of the decision that you want to appeal;
 - state the grounds of appeal and state the result that you are seeking;
 - sign and date the application
 - send a copy of the application to the other party/parties and in the application record that this has been done

The tribunal may give permission on limited grounds.

- 5) When the tribunal receives the application for permission, the tribunal will first consider whether to review the decision. In doing so, it will take into account the overriding objective of dealing with cases fairly and justly; but it cannot review the decision unless it is satisfied that a ground of appeal is likely to be successful.
- 6) On a review the tribunal can
 - correct accidental errors in the decision or in a record of the decision;
 - amend the reasons given for the decision;
 - set aside and re-decide the decision or refer the matter to the Upper Tribunal;
 - decide to take no action in relation to the decision.



**HM Courts
& Tribunals
Service**

**Property Chamber
Northern Residential Property
First-tier Tribunal**

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Please note that on **16 January 2015**, we are moving offices. From 19 January 2015 our new address will be:

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